CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	\checkmark	Discourt.		U.S.
Jeffrey Tsui		Squad #15	202001998		Abuse		O.L.	$\overline{\mathbf{A}}$	Injury
Incident Date(s)		18 Mo. SOL	EO SOL	Loc	ation of l	Incide	ent:	Pre	cinct:
Tuesday 02/25/2020 7:45 PM		08-25-2021	04-11-2022		East Brooklyr		Street 11212		67
Date/Time CV Reported		CV Reported At:	How CV Reporte	d:]	Date/Time	e Rece	eived at CC	RB	
Thu, 02/27/2020 8:59 AM		IAB	Phone	7	Tue, 03/10	0/2020) 10:01 AN	1	
Complainant/Victim	Туре	Home Ad	dress						
1. L	Comp/Vi	ctim Bruce I	Lane Brentwood NY	11717					
2. D B C	Victim	East 9	4th Street Apt 3J Bro	oklyn	NY 112	12			
Subject Officer(s)	Shield	TaxID	Command						
1. POM S			INT CIS						
2. SGT D			CRM CTL						
3. POM Joseph Bautista	00113	954534	INT CIS						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. DT3 B			INT CIS						
2. DT3 H			INT CIS						
3. DT3 J			INT CIS						
Officer(s)	Allegatio	on			Inv	estiga	tor Reco	nme	ndation
A . POM S	Abuse of L	Authority: Police Of	fficer S R	stoppe	ed A.	Exon	erated		
B . POM S	Abuse of D	Authority: Police Of	fficer S R	stoppe	ed B.	Exon	erated		
C . POM S		esy: Police Officer S ously to L	R spoke		C .	Unsu	bstantiate	d	
D . POM S		Authority: Police Of	fficer S R was an occup		ned D.	Exon	erated		
E . POM Joseph Bautista		Authority: Police Of le in which L	fficer Joseph Bautista C was an occup		ned E.	Exon	erated		
F. SGT D	Abuse of L	Authority: Sergeant with the use		ned	F.	Subst	antiated		
G . POM Joseph Bautista	Abuse of L	Authority: Police Of C 's property.	fficer Joseph Bautista	seized	G.	Exon	erated		
H . POM S		Authority: Police Of le in which L	fficer S R was an occup		ned H.	Exon	erated		
I . POM Joseph Bautista		Authority: Police Of	fficer Joseph Bautista C was an occup		ned I. I	Exone	erated		
J. SGT D	Discourte L	esy: Sergeant D	spoke discourt	eously	to J.	Unsul	ostantiated	l	
K. SGT D	Discourte D	Discourtesy: Sergeant D spoke discourteously to K. Unsubstantiated							
L. POM S		Authority: Police Of d to notify Administr	fficer S R ration for Children's S	Service		Unsu	bstantiated	d	

Case Summary

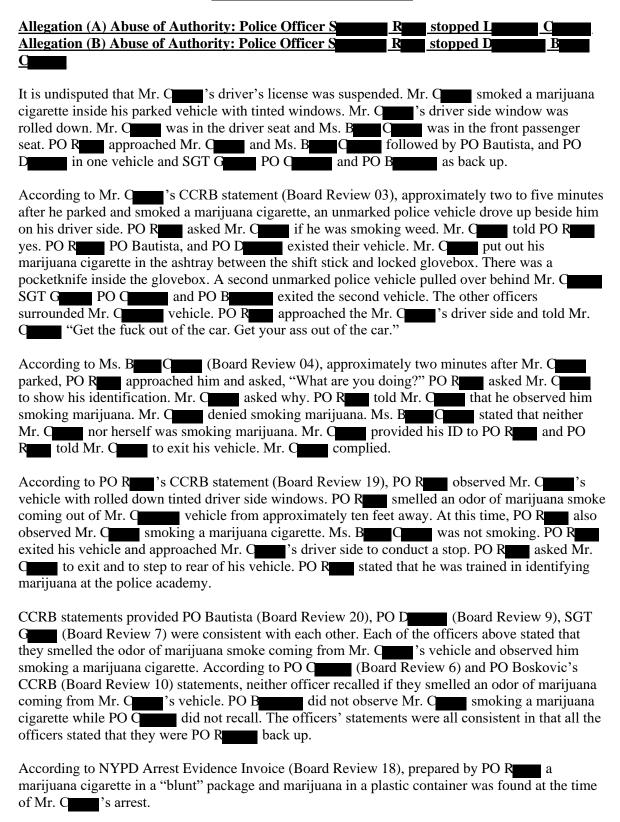
On February 27, 2020, Legisland Classifiled this complaint on the behalf of D and himself with IAB, generating log #2020-6956. The CCRB received this complaint on March 10, 2020. On February 25, 2020, at approximately 7:30 PM, in the vicinity of East 94th Street and Clark Street in Brooklyn, Mr. Quant sat in his parked blue 2004 BMW 325 with his wife, Ms. B Mr. C swindows were tinted and rolled down. Mr. C smoked a marijuana cigarette while he talked with his wife. Ms. Barrel did not smoke. At this time, Police Officer S Police Officer Joseph Bautista, Police Officer J D Sergeant Police Officer H and Police Officer B B - Intel Crime Section were in a caravan of two unmarked vehicles behind Mr. C approached Mr. Carra and Ms. Barra Carra and the other officers backed him up (Allegation A and B: Abuse of Authority, exonerated). PO Reset told Mr. Queen to, "Get the fuck out of the car" (Allegation C: Discourtesy, unsubstantiated). Mr. Cara and Mr. Barrell exited their vehicle and the officers confirmed Mr. Carray's identity. Mr. Carray's driver's license was suspended. PO Remaind PO Bautista searched Mr. Commais vehicle (Allegation D and E): Abuse of Authority, exonerated) and recovered packaged marijuana and alleged heroin. PO R PO Common and PO Beauty attempted to restrain Mr. Common 's arms to handcuff him. Mr. physically resisted officers. SGT G told Mr. C that if he fought the officers, he will be Tased (Allegation F: Abuse of Authority, substantiated). The officers placed handcuffs and Ms. Bear Quantum The couple and their vehicle were transported to the 67 Precinct station house. PO Bautista drove Mr. Carrier 's vehicle. (Allegation G: Abuse of **Authority, exonerated**). At the station house, POR and PO Bautista conducted an inventory search on Mr. Quite 's vehicle and recovered two switchblades (Allegation H and I: Abuse of **Authority, exonerated**). Mr. Casas and Ms. Base Casas were processed and lodged into holding cells. An unidentified officer escorted Mr. Communication was met by the PO R PO Bautista, PO D SGT G PO C and PO B SGT G called Mr. C an "asshole" (Allegation J: Discourtesy, unsubstantiated). SGT G told Mr. to provide the police with information regarding firearms in his neighborhood. Mr. Q refused. Mr. Communication was brought back to his cell. PO Bautista escorted Ms. Box out of her cell and into the room. The same officers were present. PO R asked Ms. B provide the police with information regarding firearms in her neighborhood. Ms. B declined. Approximately thirty minutes later, PO Bautista escorted Ms. Back to the room. SGT G told Ms. B that Mr. C was "being a fucking asshole" (Allegation K: Discourtesy, unsubstantiated). PO Report told Ms. Beauty that her refusal to cooperate could result in officers searching her home and taking her children away. (Allegation L: Abuse of Authority, unsubstantiated). Mr. C was charged with, criminal possession of narcotics in the third degree, criminal possession of a controlled substance in the fourth degree, criminal possession of a weapon in the third degree and Aggravated unlicensed operation of a motor vehicle in the third degree. Mr. B C arrest was voided.

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BWC video footage was obtained for this investigation and is attached to IA #65 (Board Review

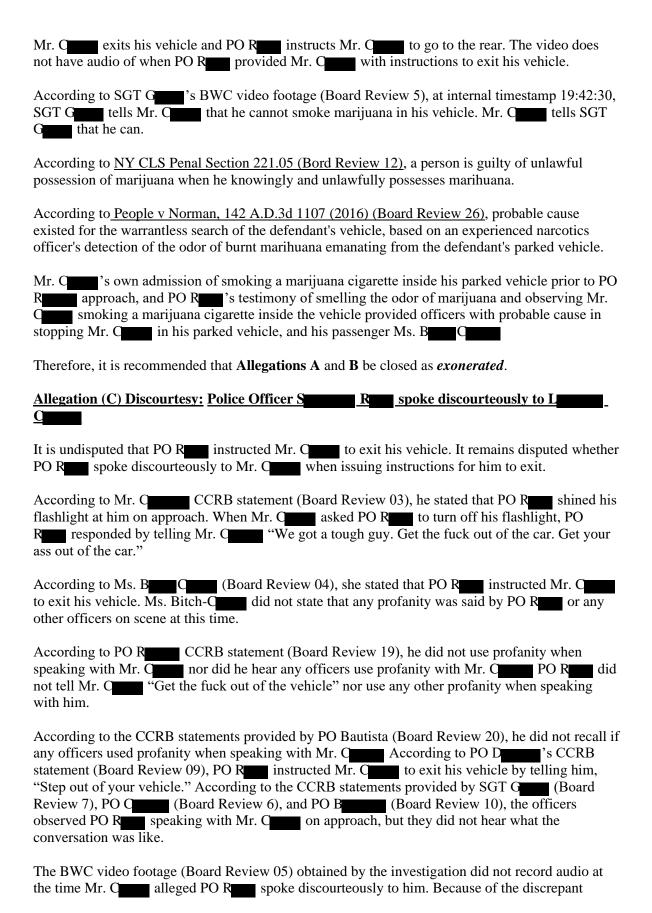
05).

Findings and Recommendations



According to PO Record's BWC video footage (Board Review 06), at internal timestamp 19:40:30,

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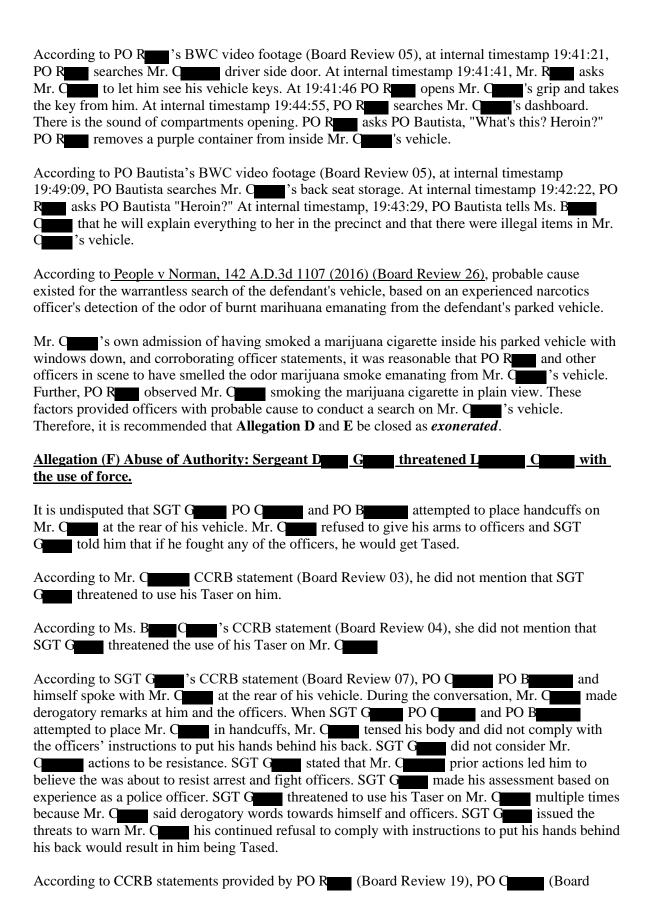
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therefore recommended that **Allegations C** be closed as *unsubstantiated*. Allegation (D) Abuse of Authority: Police Officer S searched the vehicle in which L Was an occupant. Allegation (E) Abuse of Authority: Police Officer Joseph Bautista searched the vehicle in which L was an occupant. According to Mr. C CCRB statement (Board Review 03), he stated that when he was at the rear of his vehicle with SGT G and PO B and PO B took his vehicle key from his right hand. Mr. Canada did not state that his vehicle was search on the street by police officers. According to Ms. B CCRB statement (Board Review 04), she stated that when she vehicle, PO R and PO Bautista entered and reclined and search Mr. vehicle seats, sunroof, and doors. PO R grabbed Mr. C vehicle keys from his hand and used it to open a locked glove compartment. Mr. Communication told the officers that they did not have permission to search his vehicle. Ms. Barrel Carrel did not observe PO Rame nor PO Bautista remove any items from the inside of Mr. Come 's vehicle. According to PO R 's CCRB statement (Board Review 19), he and PO Bautista searched Mr. vehicle during the initial stop. PO R searched the front seats, rear seats, glove compartment, arm rest, and the floor of the vehicle, while PO Bautista searched the front passenger side. PO Remarginaria on Mr. Commanda arm rest. The glove compartment was locked. PO R asked Mr. C for his keys to unlock it. PO R took the keys from Mr. 's keys and found 30 glycine of alleged heroin inside the glove compartment. PO Bautista transported Mr. Comma 's vehicle to the 67 Precinct station house by. PO Remarked training in identifying heroin by its color and packaging at the police academy. According to PO Bautista's CCRB statement (Board Review 20), he searched the left side and back seats of Mr. Comma's vehicle. PO Bautista did not recall if he recovered any items from the vehicle. PO Record the vicinity around the glove and found alleged heroin. PO Bautista searched the vehicle without Mr. Come 's consent because there was an odor of marijuana coming from it. According to PO Decement's CCRB statement (Board Review 09), he did not recall whether PO PO Bautista or other officers searched Mr. Queen's vehicle at the initial stop. PO D stated at the time of the incident, officers had probable cause to search Mr. C 's vehicle due to the odor of marijuana that it emitted. PO Description stated that Mr. Open 's vehicle was transported to the 67 Precinct station house to be safeguarded and to have an inventory search conducted According to SGT G statement (Board Review 07), he did not know why PO R wanted or how PO R obtained Mr. C statement (Board Review 07), he did not know why PO R wanted or how PO R obtained Mr. C statement (Board Review 07), he did not know why PO R wanted or how PO R obtained Mr. C statement (Board Review 07), he did not know why PO R wanted or how PO R obtained Mr. C statement (Board Review 07), he did not know why PO R wanted or how PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C statement (Board Review 07), he did not know why PO R obtained Mr. C removed from him, Mr. Comb became irate and called officers derogatory names. PO R searched the inner compartments, and the front driver and passenger seats of the vehicle. Mr. told officers that they did not have probable cause to search his vehicle. SGT G stated that PO R searched Mr. C vehicle because there was an odor of marijuana coming from it.

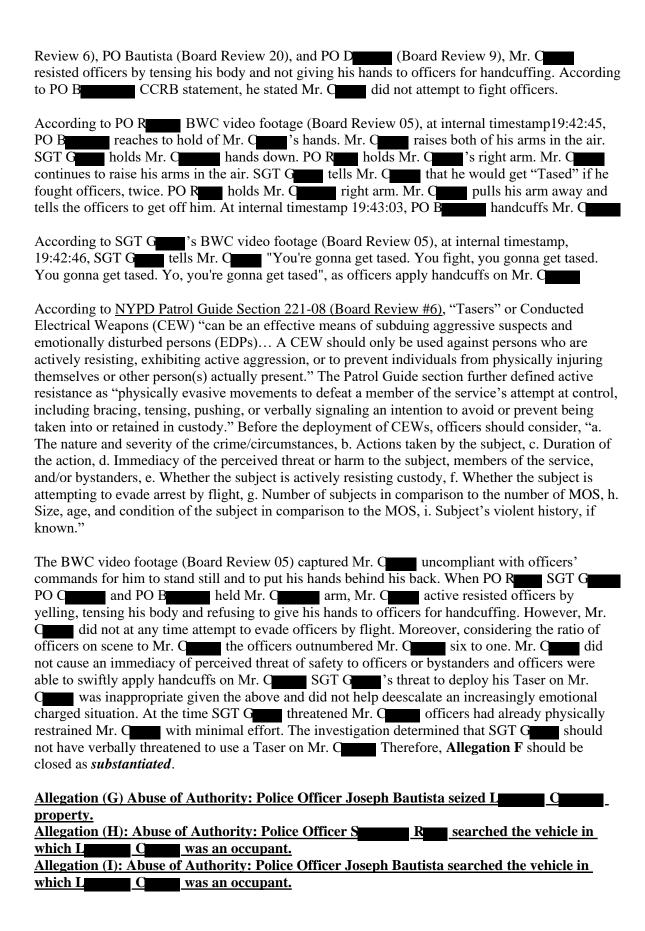
civilian and officer statements and the lack of additional video-audio evidence, the investigation did not arrive at a preponderance of evidence that PO R spoke discourteously to Mr. C It is

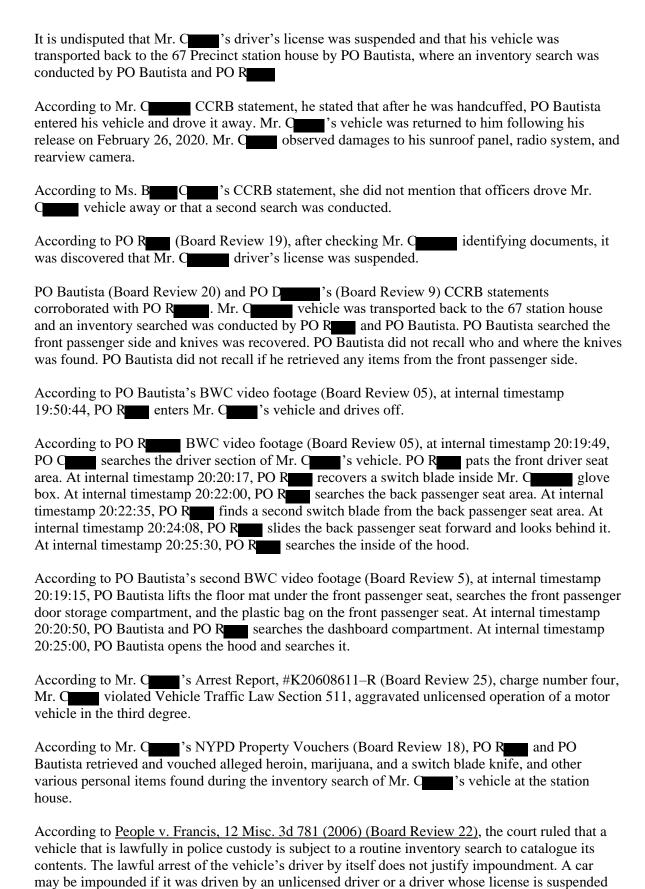
According to PO C and and PO B areas 's CCRB statements (Board Review 06), they did not

recall whether any officers on scene searched Mr. Command's vehicle.



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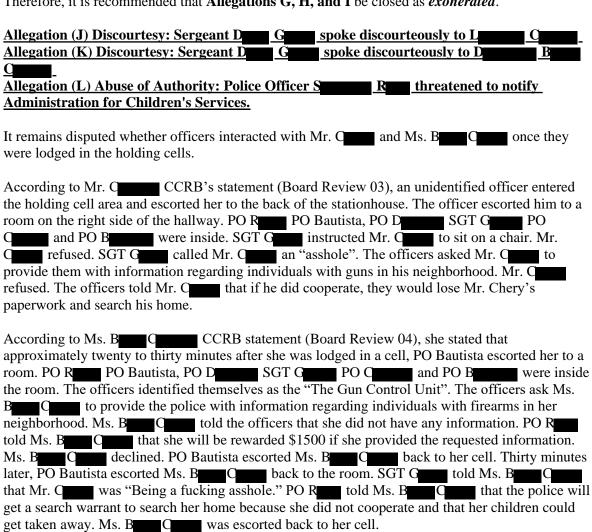


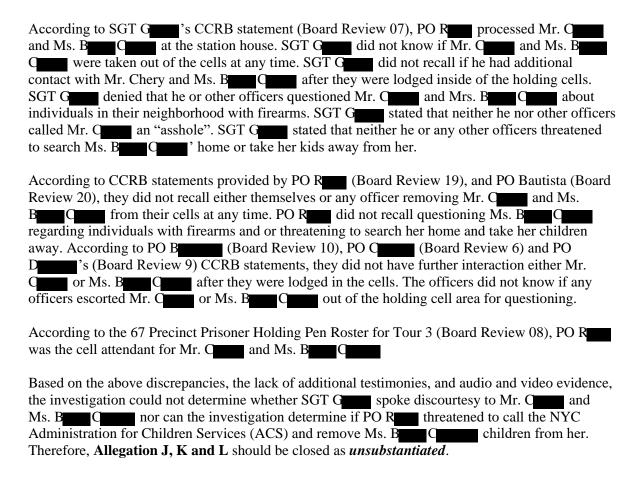
and there is no one who is legally able to drive the vehicle.

According to NYPD Patrol Guide Procedure 218-13 (Board Review 23), officers must thoroughly search the interior of any vehicle that comes into police custody. Officers are permitted to search the interior of the vehicle thoroughly, a. This search should include any area that may contain valuables including, but not limited to: (1) Glove compartment (2) Console (3) Map pockets in or on doors and rear or side of seats (4) Areas under the seats and in and around the seat stuffing and springs (5) Under the floor mats (6) Under and behind the dashboard (7) Inside the ashtrays (8) In the air vents where accessible (9) Under the hood (10) Trunk.

The investigation determined that PO Bautista was justified in taking Mr. Command's vehicle into
custody because Mr. Carry's driver's license was suspended at the time of the incident. Given that
both, Mr. Command Ms. Brown Communication were arrested, the officers were justified in impounding Mr.
's vehicle for safeguarding because there was no driver legally able to operate the vehicle on
Mr. C 's behalf. In accordance with the NYPD Patrol guide, once Mr. C 's vehicle was in
police custody, the PO R and PO Bautista were required to conduct a thorough inventory
search.

Therefore, it is recommended that **Allegations G, H, and I** be closed as *exonerated*.





Civilian and Officer CCRB Histories

- Mr. C has been party to two CCRB complaints and has been named as a victim in twenty-four allegations (Board Review #3).
- #202002745 involved an allegation of Force, Abuse of authority and Discourtesy. To date, this investigation is still open.
- This is the only complaint Ms. B C had been a party of.
- PO R has been a member of service for eight years and has been a subject in nine CCRB complaints and thirty-eight allegations, none of which were substantiated.
- PO Records 's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Bautista has been a member of service for eight years and has been a subject in nine CCRB complaints and twenty-eight allegations, none of which were substantiated.
- PO Bautista's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- SGT G has been a member of service for 15 years and has been named a subject in forty-four CCRB complaints and one hundred twenty-two other allegations, of which twelve have been substantiated.
- #201111996 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against SGT G The Board recommended Command Discipline. The NYPD imposed Instructions.

- #201207718 involved a substantiated Abuse of Authority: Stop allegation against SGT
 The Board recommended Charges and Specifications. The NYPD imposed forfeiture of one vacation day.
- #201405351 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against SGT General. The Board recommended Charges and Specifications. SGT General was found not guilty at trial, and no discipline was imposed.
- #201800398 involved substantiated Abuse of Authority: Vehicle stop, Vehicle search, Search of person, and Threat of summons allegations against SGT G The Board recommended Charges and Specifications. The NYPD imposed forfeiture of 10 vacation days.
- #201901422 involved a substantiated Abuse of Authority: Threat of force allegation against SGT G The Board recommended Formalized Training. The NYPD imposed Instructions.
- #201903162 involved four substantiated allegations of Abuse of Authority: Other, supervising improper arrests against SGT G The Board recommended Formalized training. The NYPD imposed Formalized Training.
- SGT GCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA) (Board Review 15), Between 1996 and 2018, Mr. C was convicted of New York Penal Law Section 125.25 for second degree murder and New York State Penal Law 265.05 for criminal possession of a weapon in the second degree, New York State Penal Law Section 220.39 for the criminal sale of a controlled substance in the third degree, New York State Penal Law 221.05 for the unlawful possession of marijuana, New York State Penal Law 220.03 for the criminal possession of a controlled substance in the seventh degree, New York State Penal Law 220.16 for the criminal possession of a controlled substance in the third degree. Mr. C received varying amounts of fines and imprisonment. OCA does not list any other convictions.
- According to the Office of Court Administration (OCA) (Board Review 16), Ms. B
 has no history of convictions in New York City.
- There is no claim associated with this complaint (Board Review 24)

Squad:	15		
Investigator: _	Jeffrey Tsui Signature	INV Jeffrey Tsui Print Title & Name	02/16/2022 Date
Squad Leader: _	Signature	IM Simon Wang Print Title & Name	02/16/22 Date
Reviewer: _	Signature	Print Title & Name	Date